

REMARKS

Figure 4 has been amended to address the objection under 37 CFR 1.83(a).

Claims 6 and 9 have been amended to address the formality noted by the Examiner.

Turning to the rejection of claims 1, 2, 4, 5, 10, 19 and 20 as anticipated by Koza, and the rejection of claims 3 and 6 as obvious from Koza in view of Schmuelling, and the rejection of claims 7-9 as obvious from Koza in view of Schmuelling et al. and further in view of Alcorn et al. Accompanying this Amendment is a Declaration under 37 CFR 1.131 which establishes that the Applicant completed the claimed invention before the U.S. filing date of the Koza reference. In this regard, Applicant notes that the Koza patent, which issued after the filing date of the subject application, has a March 14, 2000 U.S. filing date. Since this application was filed on or after December 8, 1993, pursuant to Section 331 of Public Law 103-182, the amendment made to 35 USC § 104 is applicable in this case. Accordingly, Applicant's Declaration under 37 CFR 1.131 which clearly shows completion of the claimed invention in Canada prior to the March 14, 2000 filing date of the Koza U.S. patent, removes the Koza U.S. patent as citable prior art under 35 USC § 102/103. Accordingly, the rejections of the claims as anticipated by Kazo, or as obvious from Kazo in view of Schmuelling et al. alone or in combination with Alcorn et al. cannot be maintained.

The finality of the restriction requirement is noted. Applicant confirms his election of claims 1-10 and 19-20, and respectfully requests that non-elected claims 11-18 be maintained in this application, without further Action, for possible rejoinder and/or for filing of a divisional application.

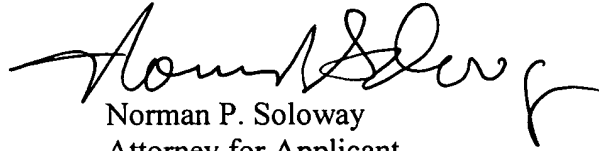
Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

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In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 31, 2005, at Tucson, Arizona.

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AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes amendment to FIG. 4. This sheet, which includes FIG. 4, replaces the original sheet including FIG. 4. A marked copy of amended FIG. 4 is also enclosed.

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FIGURE 4

